

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MAR 09 2006

UNITED STATES OF AMERICA

Respondant

MATTHEW J. DYKMAN

CLERK

v.

Civ. No. 05-1126 MCA/RLP

Cr. No. 02-0886 MCA

TAIKECHA WADE,

Movant

MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION¹

1. This is a proceeding brought pursuant to 28 U.S.C. § 2241. Wade is currently serving a five-year sentence in the Federal Correctional Center in Alderson, West Virginia. She challenges the Bureau of Prisons' failure to place her in the Intensive Confinement Center that she requested when sentenced.

2. Motions challenging the execution of a sentence are filed pursuant to § 2241 and must be brought where the prisoner is confined. *Haugh v. Booker*, 210 F.3d 1147, 1149 (10th Cir. 2000). Because Wade is incarcerated in West Virginia, that is the proper venue for this Motion.

RECOMMENDED DISPOSITION

I recommend that this matter be dismissed without prejudice.


Richard L. Puglisi
United States Magistrate Judge

¹ Within ten (10) days after a party is served with a copy of the Magistrate Judge's Report and Recommendation (R&R) that party may, pursuant to 28 U.S.C. § 636(b)(1), file written objections to the R&R in the United States District Court. A party must file any objections within the ten-day period allowed if that party wants to have appellate review of the R&R. If no objections are filed, no appellate review will be allowed.

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